

REMARKS

The present invention is directed to polymeric compositions having desirable physical characteristics such as a high elongation of approximately 100 percent or greater, a modulus of approximately 5000 g/mm² or less, and a refractive index of approximately 1.45 or greater, useful in the manufacture of ophthalmic devices.

Claim 7 has been amended as indicated above to more clearly define the subject invention. Support for the amendments to claim 7 is found on pages 5, 9 and 17, among other locations throughout the subject specification.

Claims 7-13 and 19-28 stand objected because of the following informalities: "the limitation of Claim 1 should be included in claims 7-10 and 19-26, and in claim 1, line 2 should "alkyl", "alkyloxy", "aryl" and "aryloxy" be --alkylene--, --alkyleneoxy--, --arylene-- and --aryleneoxy--, respectively?"

Applicants respectfully traverse the objection to claims 7-13 and 19-28. Based on the above amendments to claims 7-10 and 19-26 to include the limitations of claim 1, and the correction of "alkyl", "alkyloxy", "aryl" and "aryloxy", the noted informalities have been corrected. Withdrawal of the objection to claims 7-13 and 19-28 is thereby respectfully requested.

Claims 7-13 and 19-28 stand rejected under 35 U.S.C. 102(b) as being anticipated by Toyoshima et al., U.S. Patent Number 4,954,586 (Toyoshima).

Applicants respectfully traverse the rejection of claims 7-13 and 19-28 under 35 U.S.C. 102(b). Toyoshima teach a soft ocular lens material formed of a copolymer consisting essentially of a fluorine containing (meth)acrylate, an alkyl(meth)acrylate, a polysiloxane macromonomer having polymerizable groups at both terminals, and a polysiloxane macromonomer having polymerizable groups bonded via one or two urethane bonds (See abstract).

To the contrary, compositions of the present invention produced from siloxysilane monomers differ significantly from the Toyoshima polymeric compositions comprising tris(trimethylsiloxy)silylpropyl (meth)acrylate. In the defined monomers of the present invention, when y is 1, at least one R₁ group is not a C₁ alkyl. For this reason, in addition to others not discussed herein, the rejection of claims 7-13 and 19 - 28 under 35 U.S.C. 102(b) is inappropriate. Withdrawal of the rejection of claims 7-13 and 19 - 28 under 35 U.S.C. 102(b) is thereby respectfully requested.

Claims 7-12, 23-26 and 28 stand rejected under 35 U.S.C. 102(b) as being anticipated by Gaylord, U.S. Patent Number 3,808,178 (Gaylord).

Applicants respectfully traverse the rejection of claims 7-12, 23-26 and 28 under 35 U.S.C. 102(b). Gaylord teaches a rigid material to permit precision machining and polishing (Col. 1, lines 53-54). The polysiloxanylalkyl ester monomer of Gaylord has X and Y selected from the class consisting of C₁-C₅ alkyl groups, phenyl groups and Z groups (Col. 1, lines 60-72). The "phenyl groups" provide the sufficient rigidity necessary for precision machining and polishing which is necessary in the fabrication of a correction contact lens (Col. 1, lines 45-50 and Col. 1, lines 53-55).

To the contrary, the soft, flexible compositions of the present invention are produced from siloxysilane monomers providing a modulus of approximately 5,000 g/mm² or less. A modulus of 5,000 g/mm² or less provides for the flexibility and elongation characteristics that make the subject compositions desirable for foldable intraocular lens implant and corneal inlay use. The rigid material of Gaylord having sufficient rigidity necessary for precision machining requires a modulus greater than approximately 80,000 g/mm². Accordingly the soft, flexible compositions of the present invention differ significantly from those described by Gaylord. For this reason, in addition to others not discussed herein, the rejection of claims 7-12, 23-26 and 28 under 35 U.S.C. 102(b) is inappropriate. Withdrawal of the rejection of claims 7-12, 23-26 and 28 under 35 U.S.C. 102(b) is thereby respectfully requested.

Based on the above amendments and remarks, applicants believe pending claims 7-13 and 19-28 now stand in condition for allowance. Notice of Allowance is therefore respectfully requested.

Should there be any questions regarding this communication, please contact the undersigned at (636) 226-3340.

Respectfully submitted,

Handwritten signature of Rita D. Vacca, dated 2/5/04.

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